

**McDanald, Kristen W.**

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**From:** McDanald, Kristen W.  
**Sent:** Friday, August 01, 2014 11:41 AM  
**To:** 'Elise B. Munn'  
**Cc:** Nixon, Joe; Leonard, Kelly; Trainor, Trey; Hogue, L. Eades  
**Subject:** RE: TTV - Objection to Incident Reports

We are preparing a response to your request received Wednesday afternoon.

Thank you,  
Kristen

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**From:** Elise B. Munn [mailto:[emunn@berrymunnpa.com](mailto:emunn@berrymunnpa.com)]  
**Sent:** Friday, August 01, 2014 11:38 AM  
**To:** McDanald, Kristen W.  
**Cc:** Nixon, Joe; Leonard, Kelly; Trainor, Trey; Hogue, L. Eades  
**Subject:** Re: TTV - Objection to Incident Reports

I still disagree and decline to do so. No one has mentioned my letter sent earlier this week to Mr. Nixon in response to his--may I assume that Plaintiffs decline my offer?

----- Original Message -----

**From:** McDanald, Kristen W.  
**To:** Elise B. Munn  
**Cc:** Nixon, Joe ; Leonard, Kelly ; Trainor, Trey ; Hogue, L. Eades  
**Sent:** Friday, August 01, 2014 11:02 AM  
**Subject:** RE: TTV - Objection to Incident Reports

Ms. Munn,

Good morning. At pages 280-281 she reconsiders, and says she will consider the incident reports relevant to the defendant counties, and tells us to file those reports that evening. At the hearing I was quickly moved to mark them as exhibits with stickers I had brought, as I was planning to offer them to the court clerk for filing, as we had missed our flights due to the length of the hearing. But then you'll see at pages 347-348 Joe clarified with the Court that we have missed our flights, and filing them this evening will be logically difficult. The judge responds we may file them at a "later date". That was the final ruling. So we complied with her order and filed them electronically.

Please file the withdrawal of your objection by 12pm as requested.

Thank you,

Kristen W. McDanald  
Beirne, Maynard & Parsons, L.L.P.  
1300 Post Oak Boulevard, 25th Floor  
Houston, TX 77056  
(713) 623-0887 (main)  
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**From:** Elise B. Munn [<mailto:emunn@berrymunnpa.com>]

**Sent:** Friday, August 01, 2014 10:51 AM

**To:** McDanald, Kristen W.

**Subject:** Re: TTV - Objection to Incident Reports

I refer to Page 255-259. I believe the production was supposed to be by way of discovery, not as a supplementation of the record.

----- Original Message -----

**From:** McDanald, Kristen W.

**To:** Elise B. Munn ([emunn@berrymunnpa.com](mailto:emunn@berrymunnpa.com))

**Cc:** Nixon, Joe ; Leonard, Kelly ; Trainor, Trey ; Hogue, L. Eades ; Kimball, Linda

**Sent:** Thursday, July 31, 2014 5:19 PM

**Subject:** TTV - Objection to Incident Reports

Ms. Munn,

On pages 347-348 of the July 24 hearing transcript, the Court confirms Plaintiffs are to file the incident reports concerning the defendant counties. Judge Atlas had ordered it earlier in the hearing as well, that we file those, but serve the incident reports not concerning the defendant counties. I point you to pp 347-348 as she discusses the specific timing of the filing (not being required that evening, but at a later date). For further context, during the hearing, we offered the incident reports through Ms. Engelbrecht as business records, and the Court stated she would consider them after the hearing.

With regard to your objection that the documents were not listed in Plaintiffs' exhibit list, Plaintiffs were never ordered to file an exhibit list, Plaintiffs did so as a courtesy, and in filing the List Plaintiffs specifically wrote that they did not intend that the list be considered exclusive. Plaintiffs were, however, ordered to file a witness list in preparation for the hearing.

I can prepare a formal response to your filed objections, but in effort to preserve judicial resources, I request you file a statement declaring your objection moot and withdrawing same. Please file the statement by 12pm tomorrow.

Additionally, Local Rules and the Judge's Procedures dictate that the parties confer regarding non-dispositive motions, and a certificate of conference be included in such non-dispositive motions.

Thank you,

Kristen W. McDanald

Beirne, Maynard & Parsons, L.L.P.

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